

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JAMES CONTANT, *et al.*,

Plaintiffs,

v.

BANK OF AMERICA
CORPORATION, *et al.*,

Defendants.

Case No. 17-cv-3139-LGS

(related to No. 13-cv-7789-LGS)

ECF CASE

**NOTICE OF PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF
SETTLEMENTS AND CERTIFICATIONS OF THE PROPOSED SETTLEMENT
CLASSES FOR SETTLEMENT PURPOSES**

PLEASE TAKE NOTICE that, on a date and at a time to be determined by the Court, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, in the Courtroom of the Honorable Lorna G. Schofield, Plaintiffs will, and hereby do, move this Court, pursuant to Fed. R. Civ. P. 23(e), for an Order:

- (1) Granting preliminary approval of the proposed Settlement Agreement with Standard Chartered Bank; the proposed Settlement Agreement with Société Générale; and the proposed Settlement Agreement with Group Settling Defendants Bank of America Corporation, Bank of America, N.A., and Merrill Lynch, Pierce, Fenner & Smith Inc. ("Bank of America"); Barclays Bank PLC and Barclays Capital Inc. ("Barclays"); BNP Paribas (identified in the Complaint as BNP Paribas Group), BNP Paribas US Wholesale Holdings Corp., previously known as BNP Paribas North America, Inc., and BNP Paribas Securities Corp., which now

includes BNP Paribas Prime Brokerage, Inc. (“BNP Paribas”); Credit Suisse AG and Credit Suisse Securities (USA) LLC (“Credit Suisse”); Deutsche Bank AG (“Deutsche Bank”); The Goldman Sachs Group, Inc. and Goldman, Sachs & Co. (now known as Goldman Sachs & Co. LLC) (“Goldman Sachs”); HSBC Bank plc, HSBC North America Holdings Inc., HSBC Bank USA, N.A., and HSBC Securities (USA) Inc. (“HSBC”); JPMorgan Chase & Co. and JPMorgan Chase Bank, N.A. (“JPMorgan”); Morgan Stanley, Morgan Stanley & Co. LLC, and Morgan Stanley & Co. International plc (“Morgan Stanley”); RBC Capital Markets, LLC (“RBC”); The Royal Bank of Scotland plc (now known as NatWest Markets Plc) and RBS Securities Inc. (now known as NatWest Markets Securities Inc.) (“RBS”); and UBS AG, UBS Group AG, and UBS Securities LLC (“UBS”);

- (2) Certifying the proposed Settlement Classes for settlement purposes;
- (3) Appointing Plaintiffs as class representatives of their respective Settlement Classes for settlement purposes;
- (4) Appointing Berger Montague PC as Settlement Class Counsel;
- (5) Approving Plaintiffs’ proposed designations of Huntington National Bank as the Escrow Agent and Heffler Claims Group as the Claims Administrator;
- (6) Setting a schedule for various settlement deadlines set forth in the Settlement Schedule proposed in Paragraph 27 of the Proposed Order submitted with this Motion; and
- (7) Staying all proceedings in the action with respect to Defendants until further order of the Court, except as may be necessary to implement any of the Settlements or comply with the terms thereof.

Submitted herewith in support of this Motion are the following:

- (1) Memorandum in Support of Plaintiffs' Motion for Preliminary Approval of Settlements and Certifications of the Proposed Settlement Classes for Settlement Purposes;
- (2) Details Supporting Preliminary Approval Pursuant to Rule III.C.5 of the Court's Individual Rules and Procedures for Civil Cases;
- (3) Declaration of Michael Dell'Angelo in Support of Plaintiffs' Motion for Preliminary Approval of Settlements and Certifications of the Proposed Settlement Classes for Settlement Purposes, and the exhibits thereto; and
- (4) Proposed Order Preliminarily Approving Settlements and Certifying the Settlement Classes for Settlement Purposes.

Dated: May 26, 2020

Respectfully submitted,

/s/ Michael Dell'Angelo

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